

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JACQULYNN WITHAM,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social
Security,

Defendant.

No. CV-05-0070-MWL

ORDER FOR STIPULATED REMAND

The parties have filed a stipulation for remand of the above captioned case to the Commissioner for further administrative proceedings. (Ct. Rec. 17). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 12).

Based upon the stipulation of the parties, it is hereby **ORDERED** that the above-captioned case be remanded to the Commissioner of Social Security for further administrative proceedings, further development of the record, including a new hearing and a new decision. On remand, the administrative law judge ("ALJ") shall: 1) make a specific finding as to the amount of the overpayment, if any; 2) enter into the record Plaintiff's application for disability insurance benefits and disability

1 report both dated August 14, 1992; and 3) make a specific finding
2 as to the credibility of Plaintiff's testimony and reports.

3 Plaintiff may present new arguments and evidence, and the ALJ
4 may perform further development and conduct further proceedings as
5 necessary.

6 **IT IS FURTHER ORDERED:** Judgment shall be entered for the
7 **PLAINTIFF**. An application for attorney fees may be filed by
8 separate motion. The District Court Executive is directed to
9 enter this Order, forward copies to counsel, and thereafter shall
10 close this file.

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12 DATED this 14th day of November 2005.

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14 S/ Michael W. Leavitt
15 MICHAEL W. LEAVITT
16 UNITED STATE MAGISTRATE JUDGE
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